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# Editorial: Is house arrest fair if the house was built with fraudulent funds?

TRIBLIVE


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An aerial photo of Joseph Nocito Jr.'s manion in Bell Acres

GOVERNMENT EXHIBIT 2



But the motion filed by the defense in a federal fraud case seems a little like lowballing high-end real estate.

Joseph Nocito, 81, of Bell Acres pleaded guilty in November to one count of conspiracy to defraud. He will be sentenced Sept. 14 by Senior U.S. District Judge Joy Flowers Conti.

What kind of sentence will he get, and how long will it be? Those questions are still up in the air.

Nocito's tax fraud crime involves concealing \$93 million in income from his company, Automated Health Systems, and personal taxes. He wrote off everything from luxury vehicles to private school tuition for his grandchildren, but where things got really big were the millions surrounding his home.

Villa Nocci is 39,000 square feet of unapologetic grandeur nestled in 6.2 acres of grounds. The millions unpaid in taxes went into building this private palace, outfitting it and sculpting the scenery.

And Nocito would like to stay there instead of going to prison, thanks.

Well, gee, who wouldn't?

Despite guidelines that suggest 37 to 46 months in prison for a crime of this magnitude, Nocito's filing suggests he spend no time in custody. Instead, the defense suggests probation or house arrest because of his age, health and difficulty walking up stairs.

Also, the defense argues, he needs to keep working to support his children and grandchildren. Yes, he says he should be able to continue working at the same business where the fraud occurred.

The prosecution objects, using Nocito's own words from a document seized from that very office, titled "Wisdom Thoughts and Life's Lessons from Joe Nocito."

"Maintain the lifestyle of the 'Millionaire next door' (at least until you achieve the stage in life where [you] have all the material things you want, your next generation is well taken care and it becomes a choice of giving it to the government or building a house of your dreams.)"

Nocito built that dream house by defrauding the government and every person who lawfully pays their taxes. He shouldn't get to reap the benefits by living in it after he was caught and admitted his guilt.

Sentencing is about what was done wrong and what is a fair and accountable attempt at justice. Confining a wealthy man who got caught in an epic crime to an estate with a pool, tennis court and bocce court is neither fair nor just.

Let's see what the judge says.

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